

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 234

Introduced by Senator Walters
(Coauthors: Senators Fuller and Hueso)

February 12, 2013

An act to amend Sections ~~38601 and 38603 and 38604~~ of, ~~and to repeal Section 38604 of~~, the Vehicle Code, relating to recreational off-highway vehicles, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 234, as amended, Walters. Recreational off-highway vehicles.

(1) Existing law establishes rules for the operation of off-highway vehicles, including specified requirements governing the operation of recreational off-highway vehicles. Existing law prohibits a person ~~from allowing a passenger in a recreational off-highway vehicle unless the passenger is wearing a safety helmet.~~

~~This bill would make this prohibition inapplicable to a child who is secured in an appropriate child passenger restraint system meeting specified requirements.~~

~~(2) Existing law prohibits a person who is operating a recreational off-highway vehicle from allowing a passenger to occupy a separate seat location not designed and provided by the manufacturer for a passenger.~~

This bill would make these provisions applicable only to a recreational off-highway vehicle with a model year of 2014 or later. For vehicles with a model year of 2013 or earlier, the bill would allow seats that are installed in a separate seat location not designed and provided by the manufacturer for a passenger to be occupied if the occupant of the seat

is fully contained inside of the vehicle's rollover protection structure at all times while the vehicle is being operated.

(3)

(2) Existing law prohibits a person from operating a recreational off-highway vehicle from riding with a passenger, unless the passenger, while seated upright with his or her back against the seatback, can grasp the occupant handhold with the seatbelt and shoulder belt or safety harness properly fastened while seated upright.

This bill would ~~repeal these provisions~~ define occupant handhold for these purposes, and would require occupant handholds to be designed to allow the recreational off-highway vehicle passenger to exit the vehicle without interference from the handholds. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

(3) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) *This bill would declare that it is to take effect immediately as an urgency statute.*

However, the provisions of the bill would become operative as specified.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 38601 of the Vehicle Code is amended~~
 2 ~~to read:~~
 3 ~~38601. (a) A person shall not operate, or allow a passenger~~
 4 ~~in, a recreational off-highway vehicle unless the person and the~~
 5 ~~passenger are wearing safety helmets meeting the requirements~~
 6 ~~established for motorcycles and motorized bicycles pursuant to~~
 7 ~~Section 27802.~~
 8 ~~(b) Subdivision (a) does not apply to a child who is secured in~~
 9 ~~an appropriate child passenger restraint system meeting the~~
 10 ~~requirements of Article 3.3 (commencing with Section 27360) of~~
 11 ~~Chapter 5 of Division 12.~~

~~SEC. 2.~~

SECTION 1. Section 38603 of the Vehicle Code is amended to read:

38603. (a) A person operating a recreational off-highway vehicle with a model year of 2014 or later shall not allow a passenger to occupy a separate seat location not designed and provided by the manufacturer for a passenger.

(b) Seats that are installed in a separate seat location not designed and provided by the manufacturer for a passenger in vehicles with model year of 2013 or earlier may be occupied by a passenger if the occupant of the seat is fully contained inside of the vehicle's rollover protection structure at all times while the vehicle is being operated.

~~SEC. 3.—Section 38604 of the Vehicle Code is repealed.~~

SEC. 2. Section 38604 of the Vehicle Code is amended to read:

38604. (a) A person operating a recreational off-highway vehicle shall not ride with a passenger, unless the passenger, while seated upright with his or her back against the seatback, can grasp the occupant handhold with the seatbelt and shoulder belt or safety harness properly fastened.

(b) For purposes of this chapter, "occupant handhold" means any factory or aftermarket device grasped by an occupant to provide support and to assist in keeping arms and hands within the recreational off-highway vehicle. The steering wheel shall be considered an occupant handhold for the recreational off-highway vehicle operator.

(c) Occupant handholds shall be designed to allow the recreational off-highway vehicle passenger to exit the vehicle without interference from the handholds.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 4. This act shall become operative on July 1, 2013.

1 *SEC. 5. This act is an urgency statute necessary for the*
2 *immediate preservation of the public peace, health, or safety within*
3 *the meaning of Article IV of the Constitution and shall go into*
4 *immediate effect. The facts constituting the necessity are:*

5 *In order to allow sufficient time to implement recently enacted*
6 *provisions of law regarding recreational off-highway vehicles, it*
7 *is necessary that this act take effect immediately.*